

## APPEAL NO. 010441

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 31, 2001. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease on \_\_\_\_\_, and that the claimant did not have disability within the meaning of the 1989 Act because she did not sustain a compensable injury. In her appeal, the claimant contends that those determinations are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

### DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable repetitive trauma, occupational disease injury. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. In her role as the fact finder, the hearing officer determined that the claimant did not sustain her burden of proving the causal connection between her bilateral carpal tunnel syndrome and her employment. There was conflicting evidence presented regarding the nature and duration of the claimant's performance of repetitive activities at work. The hearing officer was free to resolve that conflict against the claimant and to determine that the claimant did not present sufficient evidence to sustain her burden of proving a compensable injury. Nothing in our review of the record demonstrates that the hearing officer's determination in that regard is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse the hearing officer's injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Given our affirmance of the hearing officer's determination that the claimant did not sustain a compensable injury, we likewise affirm her determination that the claimant did not have disability. By definition, the existence of a compensable injury is a prerequisite to a finding of disability. Section 401.011(16).

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Judge